

UNDERWOOD

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Amarillo, TX 79105-9158

February 16, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

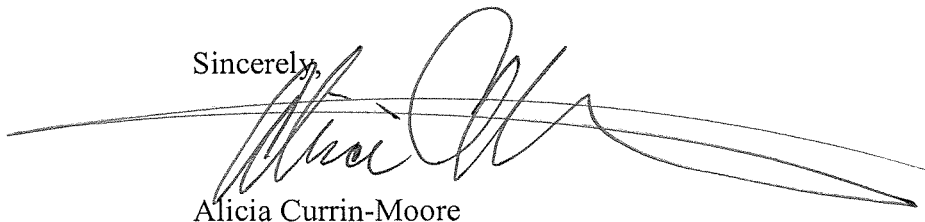
VIA ECFS

Re: Kress Independent School District's Waiver and Appeal
CC Docket No. 02-6
471 # 683833; FRN 1886258

Dear Ms. Dortch:

As indicated in our prior correspondence, the Underwood Law Firm represents Kress ISD, who has asked us to file the attached Waiver and Appeal. Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia Currin-Moore', with a long horizontal flourish extending to the right.

Alicia Currin-Moore

ACM/ph
548814
Encl.

Kress Independent School District

200 E. 5th
Kress, Texas 79052-0970

Superintendent: Doug Setliff
Phone: 806 684-2652
Fax: 806 684-2687

High School Principal: Leah Zeigler
Phone: 806 684-2651
Elementary Principal: Doug Setliff
Phone: 806 684-232

REQUEST FOR WAIVER AND APPEAL

Reference:	CC Docket No. 02-6
Applicant Name:	KRESS INDEPENDENT SCHOOL DISTRICT
Billed Entity #:	141846
Form 471 Application #:	683833
Fund Request #:	1886258
Decision Letter Date:	December 2, 2009
Date Appeal Postmarked:	December 10, 2010
District Contact:	Leah Zeigler, Technology Coordinator
Contact Information:	Email: leah.zeigler@region16.net Phone: 806-684-2651 Cell: 806-774-0631 FAX: 806-684-2687

Kress Independent School District (“Kress ISD” or the “District”) respectfully requests that the Federal Communications Commission (“FCC”) reverse the decision of the Universal Service Administration Company (“USAC”) in which USAC denied funding for Service Provider, Invoice #50297-Kress (the “Invoice”) (see Exhibit A) because “Invoice Received Date [11/05/2010] [is] Later Than Invoice Acceptable End Date [10/28/2010]”. In the alternative, the District requests that the FCC waive the requirement that program funds be expended within the funding year, thereby reversing USAC’s December 16, 2010 denial of the District’s December 10, 2010 appeal as untimely filed.

Synetra has represented to the District that Synetra submitted the Invoice to USAC on multiple occasions, from on or about June 30, 2010 until November 5, 2010. Kress ISD asserts that the root cause for denying payment of the Invoice is a mere clerical error in the application; specifically an error on Block 5 of the Form 471, § 23 Calculations. See Exhibit B. The District

filed their request as a recurring charge in sections A-E. The Service Provider, Synetra, originally filed the Invoice on June 30, 2010 as a non-recurring charge. See Exhibit A. The District later learned that a project of the magnitude in the Invoice, consisting of cabling an entire District and installing servers and networking equipment, should have been filed in section G-H as a non-recurring charge.

The District was completely unaware that the clerical error had not been resolved until early November of 2010, when Synetra notified the District that it (Synetra) was denied payment by USAC because of this discrepancy. Michelle, a USAC official, whose last name is not known, confirmed this was the reason the Invoice was denied during a conference call on November 4, 2010 with Leah Zeigler, Technology Director for the District, and John Sorenson from Synetra; Case # 22-129685.

BACKGROUND

The District determined that it needed upgraded cabling, new servers, switches, a firewall system, and a VOIP Phone System (the "Project"). Therefore, the District filed its Form 471, Application #683833, for FY2009-2010 on February 11, 2009. (the "Form 471"). See Exhibit B. The District inadvertently checked "recurring charge" on Block 5 of the Form 471 § 23 Calculations. The District made this decision because it presumed that Synetra would send invoices monthly, therefore the Project would have recurring charges. At the same time, Synetra indicated to USAC that the Project would be a non-recurring charge. On December 2, 2009, the District received its Funding Commitment Decision Letter ("FCDL"), approving Form 471. See Exhibit C.

The District relied on the FCDL and began work on the Project. On June 30, 2010, the Project completion deadline, Synetra stated that it sent its Invoice to USAC seeking payment.

See Exhibit A. At this time, the project was 98% complete. The District and Synetra were only waiting for an outside source to install fiber optic cabling in the City of Kress so that the District's VOIP system could be tested and implemented. Synetra, through its employee, Mr. John Sorenson, assumed incorrectly, that the District filed the Project as a non-recurring charge and, if necessary, he had time to resubmit the Invoice, provided that the Project was certified as 100% complete by August 2010.¹

Synetra represented to the District that it (Synetra) submitted the Invoice to USAC on multiple occasions from June 30, 2010 to November 5, 2010. Each time the Invoice was sent to USAC, USAC denied it. Synetra notified the District in September of 2010 that Synetra was having difficulty receiving payment from USAC. On September 15, 2010, Mr. Sorenson asked the District to seek an extension of the contract end date by filing a Form 500. Doing so would extend the contract end date beyond the August 2010 deadline, thereby allowing the Invoice to be paid. The District submitted a Form 500 on September 15, 2010, extending the contract end date to October 31, 2010. *See Exhibit D.* On September 30, 2010, USAC accepted the Form 500 via a Form 500 Notification Letter stating that USAC had changed the contract expiration date to October 31, 2010.² *See Exhibit E.* Based on the new contract expiration date, Synetra refilled its Invoice. On November 3, 2010, Mr. Sorenson notified the District that USAC again denied the Invoice due to a clerical error on the Form 471 (filed as a recurring charge) and because the completed installation date was after the Service End Date of June 30, 2010.

Following the Denial, the District sought assistance from USAC. During a conference call on November 4, 2010, USAC advised both the District and Synetra to request that the Form

¹ Ironically, if Synetra had known about the inconsistency between a "recurring" and "non-recurring" charge, it could have simply resubmitted a correctly dated invoice and certification form and USAC would have approved payment for the work completed by June 30, 2010.

² The expiration date change, via Form 500, is only appropriate for non-recurring services.

471 be changed from a recurring charge to a nonrecurring charge,³ then the District's prior request for an extension of the contract deadline,⁴ via the Form 500, would be proper and Synetra would resubmit the Invoice for the Project with a correct completion date of June 30, 2010.⁵ On November 5, 2010, Synetra resubmitted the Invoice with a June 30, 2010 completion date, exactly as instructed by USAC. On November 9, 2010, USAC again denied the Invoice (the "Denial"). However, what USAC failed to realize was that this Invoice was for the same Project that Synetra had been submitting Invoices for since June 30, 2010. Further, the Invoice submitted on November 5, 2010, was done at the specific suggestion of USAC during a phone conference on November 4, 2010. Specifically, Michelle, a USAC official, told Ms. Zeigler and Mr. Sorenson that Synetra should try to resubmit the same invoice for 95% of the original invoice. Therefore, while an Invoice was submitted past the October 31, 2010 contract deadline, it was done so per USAC's request, and it was for the Project that had Invoice(s) submitted nearly four (4) months prior.

USAC sent notice of the Denial directly to Synetra. Mr. Sorenson forwarded the Denial to the District on November 10, 2010. The "character-limited" Denial email that Mr. Sorenson received from USAC stated that Synetra had submitted the Invoice past the "invoice acceptable date". However, the Invoice was not submitted "past the invoice acceptable date". Synetra originally began submitting the Invoice to USAC on June 30, 2010 and several times thereafter. Also, the email did not include any information outlining the right of Synetra or the District to appeal USAC's decision. Below is the aforementioned email USAC sent to Synetra:

³ The District did request that USAC change its Form 471 from a recurring charge to a nonrecurring charge in its December 10, 2010 Appeal. *See* Exhibit F.

⁴ The District had already filed a Form 500 on September 15, 2010, extending services until October 31, 2010. *See* Exhibit D.

⁵ As stated earlier, Synetra had previously filed the Invoice on numerous occasions.

143019997|Synetra, Ltd.|john@pmm-
i.com|usacstatement@universalservice.org|C000426648|1|0.00|11/9/2010|N
143019997|1886258|50297-Kress|0.00|"SLD Invoice Number:1416214;Line Item
Detail Number:4725547;Amount Requested:158437.20;Invoice Received Date
[11/05/2010] Later Than Invoice Acceptable End Date [10/28/2010];12;"

The District never received this Denial, or any other notice, indicating that USAC refused to pay the invoices. In addition, the District did not receive notice regarding USAC's appeals process. Despite the efforts of the District and Synetra to comply with USAC's instructions, as they were directed by USAC during the November 4, 2010 conference call, USAC denied payment because USAC alleges that the Invoice was submitted past the acceptable contract end date of October 31, 2010.

APPEAL

The District respectfully asks that the FCC reverse USAC's decision, grant the District's appeal and direct USAC to pay Synetra's Invoice. Synetra promptly submitted the Invoice on several occasions throughout the summer and fall of 2010, concluding with the submission which is the subject of this Appeal and Waiver, on November 5, 2010.

This current appeal mirrors *In the Matter of Request For Review of the Decision of the Universal Service Administrator By Benavides Independent School District*.⁶ Similar to Kress ISD, Benavides ISD received a FCDL approving funding, then filed a Form 500 to change a contract date with the service provider. USAC approved the Form 500 then subsequently began denying invoices because the billing date was outside of the funding year. The FCC granted Benavides appeal, waiving the requirement that program funds be expended within the funding year. The FCC found that USAC mistakenly granted the Form 500 extension, and Benavides was not made aware of the error until after USAC had rejected the invoices. Benavides

⁶ 21 F.C.C.R. 12910, 21 FCC, File No. SLD 348268. (2006).

detrimentally relied on USAC's approval and proceeded with its technology projects. Ultimately, the FCC found that Benavides "complied with all other program rules and ...worked with USAC in good faith to make changes to its funding requests".⁷

Kress ISD's request is almost identical to the issue in the Benavides case in that USAC approved the District's extension of their contract date (i.e. "funding year") for recurring services from June 30, 2010 to October 31, 2010. USAC then denied the Invoice on multiple occasions and notice of the denials were sent directly to the service provider. USAC never sent notice of the denials to the District. Further, these denials only included minimal information, without informing Synetra of the appeals process or deadline. Upon learning of the denial from Synetra, Kress ISD appealed USAC's decision. *See* Exhibit F. USAC denied the Appeal based upon the 60-day filing requirement found in section 54.720(b) of the Commission's rules without even reviewing the merits of the Appeal. *See* Exhibit G.

The District does not dispute that a minor procedural error may be at issue; it mistakenly filled the Form 471 as a "recurring charge." On numerous occasions, however, the FCC has found that a procedural error does not warrant complete rejection of an application. *See Request of the Decision by the Universal Service Administrator by Bishop Perry Middle School, et al.* 21 FCC Rcd 5316 (2006). Accordingly, the District requests the FCC remand the Denial of Invoice Number: 1416214 to USAC for further consideration and approval.

REQUEST FOR WAIVER

Kress ISD respectfully submits a Request for Waiver to the program rule that requires program funds be applied within the funding year. USAC denied the District's December 10, 2010 Appeal because the "appeal was postmarked more than 60 days after the date your Funding

⁷ *Id.* at 12914.

Commitment Decision Letter was issued.” See Exhibit G. The District believes there were extenuating circumstances which caused the District to file the Appeal past the 60-day deadline.

Kress ISD relied on USAC’s funding commitments made in the December 2, 2009 FCDL, which approved its Form 471. In reliance upon the FCDL and in good faith, the District approved work performed by Synetra, Inc. Kress ISD adhered to the best of its ability to program rules and there was no evidence of waste, fraud or abuse, misuse of funds, or failure to adhere to core program requirements. At the most, the District is guilty of a mere clerical and/or procedural error and not a substantive error.

As stated earlier in the Appeals section of this Brief, the District was not aware of USAC’s final refusal to pay Synetra’s Invoice until well past the 60-day appeal window. Synetra received the final denial for payment on November 9, 2010, which it forwarded to the District on November 10, 2010. The cryptic, character-limited email (*see* P. 5 *infra*) received by Synetra stated it had submitted the Invoice past the invoice acceptable date. This message did not include any information outlining Synetra’s or the District’s right to appeal USAC’s decision.

Again, the FCC reviewed an almost identical issue in the Benavides case. In Benavides, USAC approved the District’s 471, sent the District an approved FCDL, but subsequently denied the service provider’s invoice(s). USAC sent these denials directly to the service provider. Benavides ISD was never notified by USAC that the service provider’s invoices would not be paid. Further, the service provider received notice of the denials via similar confusing and character limited email that said nothing about the appeals process. Based on these facts, the FCC determined that the District’s “appeal should be considered on the merits in spite of the procedural violations because Benavides [did not] receive notice of the requirements for filing an

appeal in accordance with Commission rules”.⁸ The FCC waived the 60-day filing requirement and allowed the underlying appeal to be heard.

The case at hand is precisely the same factual scenario as *Benavides*. Kress ISD received an approved FCDL and authorized Synetra to begin work on the Project. Only after 98% of the work was completed did USAC inform Synetra that there was an issue with the application process. Further, USAC never informed Synetra of the 60-day filing requirement found in section 54.720(b) of the Commission’s rules. Compounding this failure to provide notice, USAC did not inform the District of its final determination that the Invoice would not be paid or that there was a process to appeal this decision. Additionally, the Parties followed USAC’s instruction to (1) request that the Form 471 be corrected by USAC reflecting the Project as a non-recurring charge via the District’s December 10, 2010 Appeal to USAC, (2) submit an extension via a Form 500, and (3) resubmit the Invoice. Despite the Parties reliance on USAC’s counsel, USAC still refused to pay. To allow USAC to deny the District its due process right to appeal this decision under the facts at bar, flies in the face of fair play and substantial justice.

Further, USAC calculated the appeal deadline on the wrong date. USAC measured the 60-day appeal window from the date of the FCDL, which was December 2, 2009, not the Invoice rejection decision date of November 9, 2010. *See* Exhibit G and pg 5. USAC sent an FCDL to the District approving its funding request. Logically, the District would not and is not appealing the approved FCDL. The District, in its December 12, 2010 Appeal, was seeking reversal of the November 9, 2010 denial of Synetra’s Invoice. The District appealed this decision, only 33 days after receiving notice of the denial; well within the 60-day appeal window. The District respectfully requests that the FCC grant its waiver regarding the 60-day appeal deadline based on

⁸ 21 F.C.C.R. 12910, 12915 21 FCC, File No. SLD 348268. (2006).

lack of notice, alternatively, calculating the deadlines from the date it was notified of USAC's denial, NOT the date of the FDCL.

Kress ISD acknowledges that a clerical error may have been made with selecting a "recurring charge" as opposed to a "non-recurring charge". However, USAC approved the FDCL; therefore, the District rightfully relied on USAC's approval to begin work on the Project. USAC had several opportunities to make the District aware of the discrepancies, and if it had done so, the District could have and would have corrected the oversight. No opportunity to rectify the issue was given and now Kress ISD is in jeopardy of having to repay nearly \$167,000.00 to Synetra. This debt is almost insurmountable for a small, rural, West Texas district.

Kress Independent School District requests that the FCC find that it did not commit waste, fraud or abuse, misuse of funds or that it failed to adhere to core program requirements. Synetra originally sent the Invoice to USAC within the allowable time period and continued to submit the Invoice as directed by USAC. As such, the District respectfully requests the FCC to find that USAC's November 9, 2010 denial of the Invoice was a result of a mere clerical error or alternatively, remand the December 16, 2010 Denial to USAC for further consideration and approval. Kress Independent School District contends that there is sufficient evidence of extenuating circumstances and harm to the District to warrant a waiver of such appeal timeline rules, and ask that the FCC remand the District's Form 471 Number 683833, Funding Request Number 1886258 to USAC for further consideration and approval.

Respectfully,



Leah Zeigler
District Technology Coordinator, Kress ISD

Kress Independent School District

200 E. 5th
Kress, Texas 79052-0970

Superintendent: Doug Setliff
Phone: 806 684-2652
Fax: 806 684-2687

High School Principal: Leah Zeigler
Phone: 806 684-2651
Elementary Principal: Doug Setliff
Phone: 806 684-232

REQUEST FOR WAIVER AND APPEAL

Reference:	CC Docket No. 02-6
Applicant Name:	KRESS INDEPENDENT SCHOOL DISTRICT
Billed Entity #:	141846
Form 471 Application #:	683833
Fund Request #:	1886258
Decision Letter Date:	December 2, 2009
Date Appeal Postmarked:	December 10, 2010
District Contact:	Leah Zeigler, Technology Coordinator
Contact Information:	Email: leah.zeigler@region16.net Phone: 806-684-2651 Cell: 806-774-0631 FAX: 806-684-2687

LIST OF EXHIBITS

EXHIBIT A	Service Provider (Synetra), Invoice #50297-Kress, dated January 28, 2009
EXHIBIT B	Form 471 FY2009-2010 Application #683833
EXHIBIT C	Funding Commitment Decision Letter, dated December 2, 2009
EXHIBIT D	FCC Form 500, dated September 14, 2010
EXHIBIT E	Form 500 Notification Letter, dated September 30, 2010
EXHIBIT F	Kress ISD's Letter of Appeal to USAC, dated December 10, 2010
EXHIBIT G	USAC Administrator's Decision on Appeal, dated December 16, 2010



Security * Networking * Communications

3223 S. Loop 288 Suite 580
Lubbock, TX 79423
ph806-762-2861 fax806-762-2862

PRICE QUOTE
1/28/2009

Kress ISD
PO Box 970
5th and Ripley Street
Kress, TX. 79052
806-684-2851

SPIN # 143019997

By: Dennis Carver

QTY	PART NUMBER	DESCRIPTION	YOUR PRICE	EXTENDED PRICE
Kress ISD				
1 PKG		Switches and Security	\$7,530.00	\$67,530.00
1	ASA5510-SEC-BUN-K9	Cisco ASA 5510 Adaptive Security Appliance		
1	WS-C35600-24TS-E	Cisco 3500 Series (24) port 10/100/1000 plus (4) SFP Slots		
2	WS-C35600-48PS-S	Cisco 3500 Series (48) port 10/100/1000 POE plus (4) SFP Slots		
4	WS-C35600-48TS-S	Cisco 3500 Series (48) port 10/100/1000 plus (4) SFP Slots		
3	WS-C35600-24PS-S	Cisco 3500 Series (24) port 10/100/1000 POE plus (4) SFP Slots		
10	GLC-SX-MM-	Cisco 1000 Base SX Transceiver		
20	FiberPatch1M	Fiber patch Cables 1 Meter		
10	CAB-SFP-50CFM	Uplink Cable		
1	InstlConfig	Professional Installation and Configuration	\$ 6,000.00	\$ 6,000.00
1 PKG		Wireless Access Points	\$ 29,380.00	\$ 29,380.00
10	AIR-LAP-1142N-A-K9	Cisco 1100 Series Lightweight Access Point B/G/N		
1	AIR-WCS-WB-1.0-K9	Cisco Wireless Control System v.1.0 - License		
1	AIR-WLC4402-25-K9	Cisco Wireless Access Controller (25 Access Point Controller)		
1	InstlConfig	Professional Installation and Configuration	\$ 4,800.00	\$ 4,800.00
1 PKG		Servers	\$ 17,500.00	\$ 17,500.00
3	Server	HP Rack Mount Servers for DNS, DHCP AND Proxy Server		
2	Server	HP Rack Mount Servers for Web and Email Server		
1	InstlConfig	Professional Installation and Configuration	\$ 7,500.00	\$ 7,500.00
1 PKG		Racks and Battery Backups	\$ 18,010.00	\$ 18,010.00
2	Rack	Rack for Switches Includes Wire Management		
1	Enclosed Rack	Enclosed Rack for Servers w/ KVM Switch, Cables, 1U RM Monitor, and Blanking Panels		
2	SURTA3000XL	3000va Rack mount Battery Backups for Servers		
2	SUA1000RM1U	1000va Rack mount Battery Backups for Switches		
1	InstlConfig	Professional Installation and Configuration	\$ 2,000.00	\$ 2,000.00
1 PKG		Cabling	\$ 67,750.00	\$ 67,750.00
250	LAN CAT6 Runs	CAT6 Cable Runs for Classrooms		
2	LAN Fiber Run	Fiber Run		
Total				\$208,470.00
Kress ISO 20%				\$41,594.00

For Submission with E-Rate Form 471: Contact Number 2007-6
Contingent upon USAC funding and Board Approval

SLD Total \$166,776.00

Submitted By:

Dennis Carver

Accepted By:

Dennis Carver
Synetra

Kress ISD

Date:

1/28/2009

Date:

Exhibit A



8180 Lakeview Center
Odessa TX 79765
432-561-7200

Invoice	0050296
Date	5/21/2010
Page	1

Bill To:

KRESS I. S. D.
P. O. BOX 970
KRESS TX 79052

Ship To:

KRESS I. S. D.
5TH & RIPLEY STREET
KRESS TX 79052

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
LEAH ZEIGLER ERATE	KRE001	DAC	UPS GROUND	Net 30	4/7/2010	9,679

Ordered	Shipped	B/O	Item Number	Description	Unit Price	Ext. Price
1	1	0	ASA5510SEC BUNK9	CISCO ASA 510 SEC PLUS APPL W/SW 250 IPSEC VPN PEERS	\$13,506.00	\$13,506.00
1	1	0	WSC3560G24TSE	CAT3560 24-10/100/1000 LAYER 3 SWITCH	\$0.00	\$0.00
2	2	0	WSC3560G48PSS	CISCO 3560 10/100/1000 POE SWITCH	\$0.00	\$0.00
4	4	0	WSC3560G48TSS	CISCO 3560 48 PORT 10/100/1000T + 4 SFP STD IMAGE	\$0.00	\$0.00
3	3	0	WSC3560G24PSS	CATALYST 3560G 24PORT POE SWITCH	\$0.00	\$0.00
10	10	0	GLCSXMM=	CISCO SX SFP	\$0.00	\$0.00
1	1	0	WIRING	20 - 1M FIBER PATCH CABLES	\$0.00	\$0.00
1.00	1.00	0.00	PROFSERV	PROFESSIONAL SERVICES	\$1,200.00	\$1,200.00
2	2	0	AIR-LAP1142-NK9-PI	CISCO AIRONET 1142N ACCESS POINT	\$2,938.00	\$5,876.00
1	1	0	AIR-CT5508-25-K9	CISCO AIRONET 5508 WIRELESS LAN CONTROLLER	\$0.00	\$0.00
1.00	1.00	0.00	PROFSERV	PROFESSIONAL SERVICES	\$960.00	\$960.00
2	2	0	HPCTO	HP CONFIGURE TO ORDER	\$1,750.00	\$3,500.00
			DL360 G6 E5506 SERVER FOR WEB AND EMAIL			
2	2	0	UE892E	HP 3YR EXT WARRANTY F/ DL360	\$0.00	\$0.00
3	3	0	HPCTO	HP CONFIGURE TO ORDER	\$0.00	\$0.00
			DL120 G6 X3460 SERVER FOR DNS, DHCP AND PROXY			
3	3	0	UK646E	HP SB 3YR 24X7X4HR PL WARRANTY UPGRADE	\$0.00	\$0.00
5	5	0	P7304966	MS ACAD WINSRVSTD 2008R2	\$0.00	\$0.00
100	100	0	R1802619	MICROSOFT SERVER STD 2008 CAL	\$0.00	\$0.00
1.00	1.00	0.00	PROFSERV	PROFESSIONAL SERVICES	\$1,500.00	\$1,500.00
1	1	0	WIRING	WIRE MANAGEMENT FOR 2 RACKS	\$3,202.00	\$3,202.00
1	1	0	AR3100	APC NETSHELTER 42U RACK ENC W/SIDES	\$0.00	\$0.00
1	1	0	AP5015	APC 15" RACK LCD MONITOR	\$0.00	\$0.00
1	1	0	AP7530	APC RACK PDU	\$0.00	\$0.00
2	2	0	AR8136BLK	APC 1U 19" BLACK BLANKING PANEL	\$0.00	\$0.00
1	1	0	DKVM-8E	DLINK 8P KVM SWITCH	\$0.00	\$0.00
5	5	0	DKVM-CB3	DLINK ALL-IN-ONE 10' KVM CABLE	\$0.00	\$0.00
1	1	0	SURTA3000XL	APC SMART-UPS RT 3000VA RM/TWR	\$0.00	\$0.00
3	3	0	SUA1000RM1U	APC SMART UPS 1000VA RM	\$0.00	\$0.00
1.00	1.00	0.00	PROFSERV	PROFESSIONAL SERVICES	\$400.00	\$400.00
1	1	0	WIRING	CAT6 CABLE DROPS FOR CLASSROOMS	\$11,550.00	\$11,550.00
			UP TO 250 DROPS TERMINATED, TESTED, RACEWAY, POWER POLES AND PATCH PANELS			
1	1	0	WIRING	LAN FIBER	\$0.00	\$0.00

Please Remit Payment to:
SYNETRA, Inc.
P.O. Box 12956
Odessa, TX 79768

ERATE
471 #683833
FRN #1886258

Subtotal	\$41,694.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Payment Recd.	\$0.00
Total	\$41,694.00

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471 Estimated Average Burden Hours per Response: 4 hours		
<p>This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.</p> <p>Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)</p> <p>The instructions include information on the deadlines for filing this application.</p>		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
471Y9ICM		683833
Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
1 a	Name of Billed Entity KRESS INDEP SCHOOL DISTRICT	
2 a	Funding Year: July 1, 2009 Through June 30: 2010 Billed Entity Number: 141846	
4 a	Street Address, P.O. Box, or Routing Number 5TH & RIPLEY STREETS	
	City KRESS	
	State TX	Zip Code 79052
5 a	Type of Application <input type="checkbox"/> Individual School (individual public or non-public school) <input checked="" type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
6	Contact Person's Name Leah Zeigler	
First, if the Contact Person's Street Address is the same as in Item 4, check this box. If not, please complete the entries for the Street Address below.		
b	Street Address, P.O. Box, or Routing Number 5TH & RIPLEY STREETS	
	City KRESS	
	State TX	Zip Code 79052

Page 1 of 7



FCC Form 471 - November 2004

Entity Number	141846	Applicant's Form Identifier	471Y9ICM
Contact Person	Leah Zeigler	Phone Number	806-684-2652

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...	BEFORE ORDER AFTER ORDER
---	-----------------------------

Exhibit B

7a	Number of students to be served		202
b	Telephone service: Number of classrooms with phone service	8	35
c	Dial-up Internet access: Number of connections (up to 56kbps)	0	0
d	Direct broadband services: Number of buildings served at the following speeds:		
	Less than 10 mbps	0	0
	Between 10 mbps and 200 mbps	0	0
	Greater than 200 mbps	7	7
e	Direct connections to the Internet: Number of drops	250	250
f	Number of classrooms with Internet access	35	35
g	Number of computers or other devices with Internet access	200	200

Block 3: Impact of Services Ordered on Libraries**NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT****Worksheet A No: 1118359****Student Count: 202****Weighted Product (Sum. Column 8): 161.6****Shared Discount: 80%****1. School Name: KRESS ELEMENTARY SCHOOL****2. Entity Number: 92196 NCEs: 48 25950 02922****3. Rural/Urban: Rural****4. Student Count: 104****5. NSLP Students: 75****6. NSLP Students/Students: 72.115%****7. Discount: 80%****8. Weighted Product: 83.2****9. Pre-K/Adult Ed/Juv: N****10. Alt Disc Mech: N****1. School Name: KRESS HIGH SCHOOL****2. Entity Number: 92195 NCEs: 48 25950 02923****3. Rural/Urban: Rural****4. Student Count: 98****5. NSLP Students: 63****6. NSLP Students/Students: 64.285%****7. Discount: 80%****8. Weighted Product: 78.4****9. Pre-K/Adult Ed/Juv: N****10. Alt Disc Mech: N****Block 5: Discount Funding Request(s)**

FRN: 1886258 FCDL Date: 12/02/2009	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 222530000712410
13. SPIN: 143019997	14. Service Provider Name: Synetra, Ltd.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: NA
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/13/2009	18. Contract Award Date: 02/09/2009
19a. Service Start Date: 07/01/2009	19b. Service End Date:
20. Contract Expiration Date: 06/30/2010	
21. Attachment #: IC	22. Block 4 Worksheet No.: 1118359

23a. Monthly Charges: \$17,372.50	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$17,372.50	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$208,470.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$208,470.00	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request (23i x 23j): \$166,776.00	

FRN: 1886399	FCDL Date: 12/02/2009
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 282060000712474
13. SPIN: 143019997	14. Service Provider Name: Synetra, Ltd.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: NA
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/13/2009	18. Contract Award Date: 02/09/2009
19a. Service Start Date: 07/01/2009	19b. Service End Date:
20. Contract Expiration Date: 06/30/2010	
21. Attachment #: VOIP	22. Block 4 Worksheet No.: 1118359
23a. Monthly Charges: \$1,357.91	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$1,357.91	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$16,294.92	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$16,294.92	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request (23i x 23j): \$13,035.94	

FRN: 1886436	FCDL Date: 12/02/2009
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 282060000712474
13. SPIN: 143019997	14. Service Provider Name: Synetra, Ltd.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: NA
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/13/2009	18. Contract Award Date: 02/09/2009
19a. Service Start Date: 07/01/2009	19b. Service End Date:
20. Contract Expiration Date: 06/30/2010	
21. Attachment #: MAIN	22. Block 4 Worksheet No.: 1118359
23a. Monthly Charges: \$1,125.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$1,125.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$13,500.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$13,500.00	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request (23i x 23j): \$10,800.00	

Block 6: Certifications and Signature

Application ID:683833

Do not write in this area.

Entity Number	141846	Applicant's Form Identifier	471Y9ICM
Contact Person	Leah Zeigler	Phone Number	806-684-2652

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$238,264.92
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$190,611.94
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$47,652.98
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$47,652.98
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☒ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all-bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state,

and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/11/2009

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

Print

<< Previous

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FUNDING COMMITMENT DECISION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

December 2, 2009

Leah Zeigler
KRESS INDEP SCHOOL DISTRICT
5TH & RIPLEY STREETS
KRESS, TX 79052

Re: Form 471 Application Number: 683833
Billed Entity Number (BEN): 141846
Billed Entity FCC RN: 0011902038
Applicant's Form Identifier: 471Y9ICM

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$190,611.94 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 683833 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2009," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: KRESS INDEP SCHOOL DISTRICT
BEN: 141846
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 683833
Funding Request Number: 1886258
Funding Status: Funded
Category of Service: Internal Connections
Form 470 Application Number: 222530000712410
SPIN: 143019997
Service Provider Name: Synetra, Ltd.
Contract Number: NA
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Shared Worksheet Number: 1118359
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$208,470.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$208,470.00
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$166,776.00 - ERN approved as submitted

FCDL Date: 12/02/2009

Wave Number: 030

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT
Billed Entity Name: KRESS INDEP SCHOOL DISTRICT
BEN: 141846
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 683833
Funding Request Number: 1886399
Funding Status: Funded
Category of Service: Internal Connections
Form 470 Application Number: 282060000712474
SPIN: 143019997
Service Provider Name: Synetra, Ltd.
Contract Number: NA
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Shared Worksheet Number: 1118359
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$16,294.92
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$16,294.92
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$13,035.94 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The Contract Award Date was changed from 2/9/08 to 2/9/09 to agree with the applicant documentation.
FCDL Date: 12/02/2009
Wave Number: 030
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

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FUNDING COMMITMENT REPORT
Billed Entity Name: KRESS INDEP SCHOOL DISTRICT
BEN: 141846
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 683833
Funding Request Number: 1886436
Funding Status: Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 282060000712474
SPIN: 143019997
Service Provider Name: Synetra, Ltd.
Contract Number: NA
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2009
Service End Date: N/A
Contract Award Date: 02/09/2009
Contract Expiration Date: 06/30/2010
Shared Worksheet Number: 1118359
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$13,500.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$13,500.00
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$10,800.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The Contract Award Date was changed from 2/9/08 to 2/9/09 to agree with the applicant documentation.

FCDL Date: 12/02/2009

Wave Number: 030

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

Do Not Write In This Area

Approval by 3060-0853
Estimated time per response:
1.5 hours

**Universal Service for Schools and Libraries
Adjustment to Funding Commitment and
Modification to Receipt of Service Confirmation Form**

Please read instructions before completing.

(To be completed by Schools and Libraries or Consortia.)

Applicant's Form Identifier:

(Create your own code to identify THIS Form 500) Y2500

Form 500 Application Number

(To be assigned by administrator)

Block 1: Applicant Information

1. Name of Billed Entity

Kress Independent School District

2. Billed Entity Number

141846

3. Funding Year

2009

4. Complete Mailing Address of Billed Entity Applicant

Street Address, P. O. Box or Route Number

City

State

Zip Code

200 E. 5th, P.O. Box 970KressTx79052

10-Digit Phone Number

(806) 684-2451

Fax Telephone Number

(806) 684-2487

Email Address

leah.zeigler@region16.net

5. Contact Person Information

Contact Person Name

Leah Zeigler

Mailing Address

Street Address, P. O. Box or Route Number

City

State

Zip Code

200 E. 5th, P.O. Box 970KressTx79052

10-Digit Phone Number

(806) 684-2451

Fax Telephone Number

(806) 684-2487

Email Address

leah.zeigler@region16.net**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Billed Entity Name <u>Kress Independent School District</u>	Contact Name <u>Leah Zeigler</u>
Billed Entity Number <u>141846</u>	Contact Telephone Number <u>806 684 2451</u>

Block 2: Services Adjustment: Fill in one Block 2 for EACH Funding Request (FRN) affected. If you are submitting more than one Block 2, please number your pages 2A, 2B, 2C, etc. and write the number in the space provided here: Page 2 _____

5. Provide the following information about each service cited in your Form 471 Block 5, Discount Funding Request, (FRN) for which you want to take one of the following actions:

Remember: The FRNs listed on this form must be for the same Funding Year as listed in Item 3, Block 1.

New Start Date: If you wish to change the Funding Year Service Start Date you listed on a previously filed Form 486 in this funding year. This action will NOT result in more funding.

Contract Expiration Date: If you wish to change the ending date for services. This action will not result in more funding but you could combine it with a reduction in funding.

Cancel: If you wish to cancel a Funding Request Number. Please note: This action is irrevocable and the FRN can NOT be reinstated later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

Reduce: If you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN can NOT be increased later. This action would allow money to be put back into the Universal Service fund for possible commitment to other applicants.

The information required can be found in your Funding Commitment Decision Letter (FCDL) pertaining to the Funding Request (FRN) being affected.

To launch the submission of invoices for payment, please file Form 486.

IDENTIFICATION OF THE FRN TO BE ADJUSTED

(A) Form 471 Application Number:	<u>683833</u>
(B) Funding Request Number:	<u>1886258</u>
(C) Billing Account Number:	<u>N/A</u>
(D) Service Provider Name:	<u>Synetra, Ltd</u>
(E) Service Provider SPIN:	<u>143019997</u>

ADJUSTMENT TO FRN LISTED ABOVE:

(F) Service Start Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date		
(G) Contract Expiration Date	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
Change Date	<u>6/30/2010</u>	<u>10/31/2010</u>
(H) Cancel FRN	Original Commitment Amount:	New Commitment Amount:
Please Cancel		\$0.00
(I) Reduce FRN	Original Commitment Amount from FCDL:	New Commitment Amount AFTER Reduction:
Please Reduce		

Do Not Write In This Area

Billed Entity Name Kress Independent School District Contact Name Leah Zeigler
Billed Entity Number 14184 Contact Telephone Number 806 684 2451

Block 3: Certification

7. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
8. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
9. I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.

10. Signature <u>Leah Zeigler</u>	11. Date <u>9/15/2010</u>
12. Printed name of authorized person <u>Leah Zeigler</u>	
13. Title or position of authorized person <u>Principal / Tech. Coord.</u>	
14. Telephone number of authorized person <u>806 684 2451</u>	
15. E-Mail address of authorized person <u>leah-zeigler@region16.net</u>	
16. Address of authorized person <u>200 E. 5th, P.O. Box 970 Kress TX 79052</u>	

A paper copy of this form, with an authorized signature in Block 3, Item 10 should be mailed to:

SLD Form 500
P. O. Box 7026
Lawrence, Kansas 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:

SLD-Forms
ATTN: SLD Form 500
3833 Greenway Drive
Lawrence, Kansas 66046
888-203-8100



Schools and Libraries Division

FORM 500 NOTIFICATION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

September 30, 2010

LEAH ZEIGLER
KRESS INDEP SCHOOL DISTRICT
200 E. 5TH, P.O. BOX 970
KRESS, TX 79052

Re: Form 500 Application Number: 806040
Applicant's Form 500 Identifier: Y12500

We are issuing this Form 500 Notification Letter to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed your FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.

Attached to this letter is a Report summarizing the modifications or changes you requested. An explanation of the data provided in our letter reports is in the "Letter Reports: Field Descriptions" posted in the Reference Area of our website.

Retain this letter for your records. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 500.

DEADLINES:

Recurring services must be delivered during the funding year (between July 1 and June 30). In general, non-recurring services must be delivered between July 1 and September 30 following the close of that Funding Year. The deadline may be extended for delivery and installation of non-recurring services as described in Step 11: Service Delivery Deadlines and Extension Requests on our website.

Invoices must be postmarked no later than 120 days after the last date to receive service or 120 days after the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following the guidance posted on our website.

Discuss with your service provider(s) whether you prefer discounts on your bills or reimbursement after paying for services in full. USAC will process either reimbursements based on Form 472 (BEAR) or discounts based on Form 474 (SPI) for a given FRN. Once established, however, the selected process - SPIs or BEARs - must be used consistently for the entire Funding Year.

NOTE: USAC will base the billing mode (reimbursement or discounting) on the first invoice type that it processes for payment. It is therefore imperative for the service provider and the customer to establish together the preferred invoicing mode.

NOTICE ON SERVICE START DATE

The Service Start Date as reflected on this letter may have been changed from what you indicated on the Form 500. The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVS/CD) from the Form 470 cited for this FRN on the Form 471. Additionally, applicants cannot use the Form 500 to change the Service Start Date from a Service Start Date that was adjusted on a Form 486. You will know that a change has been made if there is an asterisk (*) next to the Service Start Date Change. It is important

that you and the service provider both recognize that USAC should only be invoiced and USAC may only direct disbursement of the discounts on eligible, approved services actually delivered and installed after the Service Start Date indicated on this letter.

TO APPEAL THE SERVICE START DATE CHANGE DECISION

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - Form 500 number as assigned by USAC,
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter,
 - "Form 500 Notification Letter for FY 2009," AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd.
P. O. Box 902
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

FORM 500 NOTIFICATION LETTER REPORT
(Funding Year 2009)

Funding Request Number (FRN): 1886258
Form 471 Application Number: 683833
Service Provider Name: Synetra, Ltd.
Service Provider Identification Number (SPIN): 143019997
Billing Account Number: N/A
Contract Expiration Date Change: 10/31/2010

Kress Independent School District

P.O. Box 970
Kress, Texas 79052-0970

Superintendent: Doug Setliff
Phone: 806 684-2652
Fax: 806 684-2687

High School Principal: Leah Zeigler
Phone: 806 684-2651
Elementary Principal: Doug Setliff
Phone: 806 684-232

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

December 10, 2010,

To Whom It May Concern:

I am appealing the decision of the SLD denying payment on November 5, 2010 to Synetra for FRN: 1886258/ FORM 471 #683833/Service Provider Invoice # 50297-Kress by requesting that our Form 471: 683833 be changed from "recurring charges" over a 12 month period to an "annual non-recurring (one-time) charge" thereby rectifying the situation which resulted in denial of payment because equipment was installed after the Service End Date of June 30, 2010. September 30, 2010 can be established as the deadline for which services must have been completed by Synetra by changing the 471 from recurring to non-recurring. This would validate the dates for subsequent paperwork filed by Synetra in seeking payment for the services provided to Kress I.S.D.

I filed the 471 as a recurring charge as the intent was that over a 12 month period Kress ISD would pay Synetra as the project progressed because this was a large project with several stages of implementation. I received our SLD funding commitment letter in December 2009, secured board approval to proceed with the project in lieu of the funding commitment, and the project started in earnest in February of 2010. The majority of the project was completed by the end of June, 2010 in 6 months time.

On June 30, 2010 I received an email from John Sorenson from Synetra requesting the completion of a Service Certification form. This is where the situation that I am asking to be rectified began resulting in denial of payment. The Service Certification form was not filed at that time for the submitted invoice even though the majority of the project was completed. In our attempt to follow the rules we agreed not to file the Service Certification at that time because the project was not 100% completed. John Sorenson at Synetra was operating under the assumption that I had filed the 471 as a "non recurring one time charge" which would have established the deadline for completion of the project as September 30, 2010 instead of June 30, 2010. I, a novice in dealing with internal connections projects did not realize that this choice, recurring vs. non-recurring would trigger two different service completion deadlines for the service provider. This is the root of the issue resulting in denial of payment.

Exhibit F

I filed a Form 500 and am filing this appeal to change Form 471: 683833 from a recurring charge to a non recurring charge so that the Synetra can be paid. I received a Form 500 Notification Letter Report with a Contract Expiration Date Change of October 31, 2010 dated/on September 30, 2010. A Service Certification Form was filed for Invoice 50297-Kress after Synetra received the completed 500 form which was denied on November 5, 2010 because the invoice was submitted past the invoicing deadline of October 28, 2010 even though we had a contract expiration date change of October 31, 2010.

Sincerely,

Leah Zeigler
Kress Independent School District
BEN: 141846
Form 471: 683833
FRN: 1886258
Funding Year: 2009
Service Provider: Synetra, Ltd.
Spin # 143019997
806 684-2652 School
806 684-2687 Fax
leah.zeigler@region16.net



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

December 16, 2010

Leah Zeigler
Kress Independent School District
P.O. Box 970
Kress, TX 79052-0970

Re: Applicant Name:	KRESS INDEP SCHOOL DISTRICT
Billed Entity Number:	141846
Form 471 Application Number:	683833
Funding Request Number(s):	1886258
Decision Letter Date:	December 02, 2009
Date Appeal Postmarked:	December 10, 2010
Your Correspondence Dated:	December 10, 2010

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Leah Zeigler
Kress Independent School District
P.O. Box 970
Kress, TX 79052-0970

Billed Entity Number: 141846
Form 471 Application Number: 683833
Form 486 Application Number: